

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
)	
v.)	CRIMINAL NO. 05-30002-MAP
)	
FRANK DEPERGOLA, and)	
ARMANDO BOTTA)	
)	
Defendants.)	

THE GOVERNMENT'S AND DEPERGOLA'S STATUS REPORT RELATING TO
DEPERGOLA'S MOTION FOR A BILL OF PARTICULARS

The United States of America, by Michael J. Sullivan, United States Attorney for the District of Massachusetts, AND Michael L. Foy, Esq., counsel for Depergola respectfully submit the following status report relating to Depergola's Motion for a Bill of Particulars.

1. On or about January 3, 2006, Depergola filed a motion seeking a Bill of Particulars from the government pursuant to Rule 7(g) of the Federal Rules of Criminal Procedure. The government maintains that the motion is over broad and requests information outside the scope of Rule 7(g). In lieu of litigating this issue, the government has proposed providing Depergola with early discovery of pertinent Jenks material including the grand jury testimony of two principle witnesses.¹

¹The government will provide this discovery to Armando Botta as well.

2. Counsel for Depergola, Michael Foy, had agreed to temporarily withdraw his motion while he reviews the discovery described above. Should, Attorney Foy determine that the material provided does not contain the information he seeks, he will so inform the Court.

3. The parties maintain that because the early disclosure of Jencks Act material will likely obviate the need to litigate the parameters of Depergola's motion for a Bill of particulars, the Court should permit the government to respond to Depergola's motion by providing the discovery and Depergols should be permitted to temporarily withdraw his motion.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:

Ariane D. Vuono
Ariane D. Vuono
Assistant U.S. Attorney

Michael L. Foy (for)
Michael L. Foy
Counsel for Frank Depergola


Dated: February 9, 2006

CERTIFICATE OF SERVICE

Hampden, ss.

Springfield, Massachusetts
February 9, 2006

I, Ariane D. Vuono, Assistant U.S. Attorney, do hereby certify that I have served a copy of the foregoing by mail on Michael L. Foy, Esq. 935 Main Street, Suite 203, Springfield, MA 01103 and Lori Levinson, Esq., Cain Hibbard Myers & Cook, 66 West Street, Pittsfield, MA 01201.

A handwritten signature in cursive script, appearing to read "Ariane D. Vuono", is written over a horizontal line.

Ariane D. Vuono
Assistant U.S. Attorney